Supreme Court, U.S.
FILED
MAR 19 1988
JOSEPH F. SPANIOL, JR.
CLERK

CAUSE NO: 87-1463

IN THE
SUPREME COURT OF THE UNITED STATES

October, 1987 Term

CHARLES W. BROWN,
"Unenfranchised Citizen of Texas"
Appellant,

VS.

BROWN AND ROOT U.S.A. INC,
CECIL SHEPHARD, PAT BLACKBURN,
WILLIAM L. BEDMAN. JAMES E. YOUNG,
JOHN AND JANE DOE'S 1 - 99
APPELLEES.

On Appeal from the
United States Court of Appeals
for the Fifth Circuit

MOTION FOR FREE WHITE CHRISTIAN MALE BENCH

CHARLES W. BROWN
6th Judicial District
10922 Muscatine
Houston, Texas
(713) 455-4709

Appellant in Pro Per

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OBJECT OF MOTION

Comes now appellant, Charles W. Brown, in propria persona, sui juris, to move this honorable court, either by its order, or by individual recusal, to allow only free, white, Christian, male justices on the bench during all proceedings pertaining to the above entitled cause including but limited to this motion.

It is requested, consistent with the instant motion, and 28 USC section 455 (a), that only free, white, Christian, male Justices hear the instant motion, because to proceed otherwise would, by implication be a waiver thereof.

FACTS

The jurisdictional statement in the above entitled cause was transmitted to the clerk of the court, in accordance with the rules thereof, on January 2nd, 1988, and said case was docketed on January 30th, 1988. (Received Notice on 3/10/88)

BEST AVAILABLE COPY

This Motion is necessary in order to preserve and secure the common law jurisdiction in which this Appeal is filed. It would be inconsistent and a compromise of jurisdiction to assert this appeal under the authority of the common law, then allow one who has no natural authority thereunder to sit in judgment. The organic natural law of the Republic forbids that a free white male should submit or acquiesce to the authority of an infidel, an alien, or a woman.

No orders have issued out of the court, in the above entitled appeal, as of the date of filing of this instant motion.

The above entitled cause appears to be ripe for an order from the court as to whether adequate ground exists to invoke the Article III (judicial) jurisdiction of the Supreme Court of the United States.

Appellant is a free, white, Christian, male, a citizen as contemplated by the

Preamble to the United States Constitution. Appellant's status as such, stands complete and unaffected by outside influence in the instant case. (Jurisdictional Statement pg's. 4, 5)

ARGUMENT

In the above entitled cause, as in all other instances appellant seeks to God, His Son Jesus the Christ, and the Holy Spirit (as one) for the highest judgment. This is the firm conviction of the appellant's conscience. This court being the highest mortal authority within the United States, the courts jurisdiction is best complimented and retained when its justices hold this sentiment also.

It is appellants firm conviction that only those of the Christian faith by prayer and faith in, and guidance of, God almighty, in the Trinity, can make pure judgement in accord with Laws of God upon which the United States Constitution was founded.

The governments of the several United States of America, as well as that of their collective Union, are founded upon Christianity and the Laws of God ultimately incorporated therein. (viz, the laws of God are incorporated in both Christianity and our Constitutional Republic).

One of the Christian faith will "profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God for evermore and... acknowledge the holy scriptures of the Old and New Testament to be given by divine inspiration," as stated in article 22 of the Original Constitution of the State of Delaware (1776).

According to the protections of the first Article of the Bill of Rights, appellant retains the God given inalienable right to be judged in his mortal life, by Gods people of the sovereign body and the body of Christ, white Christians.

The status of appellant demands that the bench of this court must consist only of true members of the sovereign body in the United States, to adjudicate the instant appeal. Said sovereign body is clearly designated in the Preamble to the United States Constitution, and only includes free, white natural persons born or naturalized within the jurisdiction of the United States. (Dred Scott -v- Sanford, 19 How. (60 U.S. 393, (1857))

All these who claim the privilege of membership in the body which exercises the sovereignty in the United States (i.e. rights of the body politic, etc.), by authority of the 13th, 14th, and 15th amendments, or the 19th amendment, are not citizens or members of the sovereignty, except for by virtue of the privilege offered by those so called amendments and the power of Congress of the United States purportedly extended thereby.

Those recognized as citizens in the words "We the People" in the Preamble to the United States Constitution, were citizens even before the adoption of the United States Constitution, and their posterity (those of the same blood) hold their citizenship sui juris (of their own natural right) as heirs to the natural rights of their forefathers and their race. Dred Scott -vs- Sanford, supra, 19 How at 426-427.

The United States Supreme Court, as constituted by Article III of the United States Constitution must consist only of "WE the People" or members of their "posterity". No non-citizen has the right to sit in judgment of a citizen, (Hill -vs- People, 16 Mich. 352, (1868)), nor does a person that claims the rights of sovereignty (afforded by mere privilege) have the right, standing, or power to sit in judgment of a natural member of the

sovereignty.

It is only by the power of Congress that certain "privileges" of sovereignty are exercised by those contemplated within purview of the 13th, 14th, 15th and 19th amendments. (13th am. sec. 2, 14th am. sec. 5, 15th am. sec. 2, 19th am. sec. 2). It is only the power of Congress that is purported to be extended by these amendments. (Ex p. Virginia, 100 U.S. 344, (1879)).

A privilege offered and exercised, and a natural right exercised sui juris, are of different character. The former is merely by the tolerance of the sovereign body, while the latter is the individual act of a member of the sovereignty. To say that a mere privilege could be exercised sui juris would be contradictory, in essence a nullity.

If it be by power of Congress that one is a member of the judiciary, and if without

that extension of Congress' power beyond the limitations of the original organic law said so-called member of the judiciary could not constitutionally hold the judical office of justice of the United States Supreme Court, then how is the tribunal to be considered an Article III (judical) court when thus constituted?

In the above entitled case appellant invokes the jurisdiction of this court as constituted and established under Article III of the United States Constitution, not the jurisdiction of a tribunal having officers appointed according to Article I section 8 clause 9 in conjunction with the 13th, 14th, 15th and/or 19th amendments. (Jurisdictional Statement pg's 11, 12, 13) The principles of separation of powers inherent in the Original United States Constitution clearly dictates that for a court to be one as known to Article III of the United States Constitution no power of

Congress can be exercised by it during the course of this proceedings before it.

If this principle (separation of powers) is not followed then the court having members at the behest of congress, rather than the Preamble and Article III of the Original Constitution, is reduced to a mere tribunal constituted under Article I section 8 clause 9 of the United States Constitution.

Appellant has come to the United States Supreme Court to invoke the powers of the Judiciary not the powers of Congress. (Jurisdictional Statement pg's 2 - 9).

As to Appellants motion for a Christian court, it must be noted that unanimous decision of this court it has been determined that this is a Christian nation. In the case of Holy Trinity Church -vs- United States, (143 U.S. 471, (1892))) this court after mentioning various circumstances added,

"these and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation."

By this courts own words it is this established religion (Christianity), the exercise of which cannot be interfered with according to the prohibition of the first article of the Bill of Rights.

The Preamble to the Bill of Rights clearly establishes the mischief to be prevented by the first and other Articles of the Bill of Rights.

"The conventions of a number of the states, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: and as extending the ground of public confidence in the government, will best insure the beneficient ends of its institution" Preamble, Bill of Rights U.S. Constitution.

It is understood by it (Preamble to The Bill of Rights) that the Bill of Rights is intended to prevent the powers of the national government from being used to

usurp Christian principle, Christian law, and Christian conscience. Accordingly if congress has no constitutional power to interfere with appellants aforesaid rights of conscience, neither does the lawful judiciary.

The judiciary's only duty in respect to appellant's rights of conscience is to uphold those rights against all encroachments perpetrated at the national level.

By the words of Holy Trinity Church supra, the first Article of the Bill of Rights protects no other religion or religious practice than Christianity.

Thus, again it would only be by extended Congressional power, purported by the 14th amendment to exist (all creeds), that this court would sit in judgment of appellant, with unchristian justices. Without purview of the 14th amendment, which is the manner in which this courts jurisdiction is invoked in the above entitled cause,

only one creed can lawfully be composed by this court, the creed of Christianity. Only a Christian could properly recognize and espouse the Christian creed.

Christian law, Christian principle, espoused by a Christian court, concerning a Christian appellant, in a Christian nation, is the only way to maintain the protection of Christian law, appellant must demand and follow, the law prescribed by the Old and New Testament, which is the inspired word of God Almighty.

The Holy Bible puts appellant as well as this court on notice:

> "...He that shall swear in the earth shall swear by the God of truth..." Isaiah 66:16, Holy Bible (HJV)

All justices of the Supreme Court are required to take an oath of office. (Article VI sec. 2 U.S. Constitution.) This oath concludes with an ultimate appeal to God in the words "So help me

God". (28 USC sec. 453; 4 F.S.A. 497, R.S. Sec 712; Sept. 24, 1789, ch. 20, sec. 8, 1 Stat 76; Op. Atty. Gen. 449).

It is noted that in both the official and unofficial declarations, writings, etc., where the term "God" is used, in our Republic, the reference to "God" means the God known to Israel, Issac, and Jacob noted in the Old and New Testament of the Holy Bible as Father, Son, and Holy Spirit.

> "No position can be more clear than that all the federal judges are bound by the solemn obligation of religion to regulate their decisions agreeably to the Constitution of the United States, and that it is the standard of their determination in all cases that come before them. U.S -vs- Challenger, 25 Fed, Cas. No. 14,709

The conscience of appellant, as well as Congressional enactments in the spirit of the Original United States Constitution, require that only those taking an oath "by the God of truth" (a Christian oath) sit in judgment of appellant All other oaths must be considered to be of the anti-

christ.

"For many deceivers are entered into the world, who confess not that Christ came in the flesh. This is a deceiver and an antichrist." II John 1:7, Holy Bible (KJV)

"Whosoever trangresseth, and abideth not in the doctrine of Christ, hath not God. He that abideth in the doctrine of Christ, he hath both the Father and the Son." II John 1:9, Holy Bible (KJV)

"*** He that honoreth not the Son honoreth not the Father which hath sent him." St. John 5:23, Holy Bible (KJV)

"That unto me (a just God and Savior) every knee shall bow, every tongue shall swear.: Isaiah 45:23, Holy Bible (KJV)

By this means we maintain the protections of the first Article of the Bill of Rights against all those who will usurp Christianity in this established Christian nation. Punishment to the usurper of Christianity will not be by men but by our Creator, the living God.

"Therefore the ungodly shall not stand in the judgment, nor sinners in the congregation of the righteous."

"For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish." Psalms 1:5-6 Holy Bible (KJV)

"I will bring it forth, saith the Lord of

hosts and it shall enter... into the house of him that sweareth falsely by My name, and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof." Zechariah 5:3, Holy Bible (KJV)

As to those who would sit as justice by privilege of the 13th, 14th, 15th and/or the 19th amendments, words inspired by God have clearly told us not to let the stranger set over us, or to suffer a woman to teach.

"Thou shalt in any wise set him King over thee, whom the Lord thy God shall choose: one from among thy brethern shalt thou set King over thee: thou mayest not set a stranger over thee, which is not thy brother." Deut. 17:15 Holy Bible (KJV)

"Let the woman learn in silence with all subjection. But I suffer not a woman to teach, not to usurp authority over the man, but to be in silence." I Timonthy 2:11-12, Holy Bible (KJV)

"But I have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God." I Corinthians 11:3 Holy Bible (KJV)

The Preamble to the United States Constitution clearly establishes who the stranger is. (Dred Scott -vs- Sanford,

supra, 19 How at 410, 411)

Here the Preamble to the Original United States Constitution and Article III thereof presently hold.

This interest is reasonably assumed to exist concerning a judical officer who is absolutely dependant upon congressional protection of his "civil rights", to maintain his position as an official, viz, protection from the extension of congressional powers purported by the aforesaid 13th and subsequent amendments.

As well, if a Justice hold a personal creed other than Christianity, and take an oath with an ultimate appeal to "God", it is reasonable to question his impartiality in the instant appeal.

"Any justice *** of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 USC sec. 455 (a); March 3, 1911, ch. 231, sec. 20, 36 Stat. 1090.

CONCLUSION

Therefore, appellant moves that by order of the court, or individual recusal, the justices not in compliance the appellants rights of conscience and the aforementioned provisions of the original law obstain from the proceedings in the instant appeal: that only a panel of free, white, Christian, male justices hear all proceedings pertaining to the above entitled appeal, including the hearing of the foregoing motion.

Dated this 19th day of March, 1988.

Respectfully Submitted
In service of JESUS THE CHRIST

Charles W. Brown

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